



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

### WELCOME!

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire city staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet  
at 2:00 p.m. on the first and third Mondays of the month, and  
at 7:30 p.m. on the second and fourth Mondays of the month.

Copies of the agenda are available during the meeting. Additionally, the agenda as well as reference documents and proposed ordinances and resolutions are available in the City Clerk's office prior to each meeting.

To better serve everyone in the community, the chambers is wheelchair accessible, an assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office by parties at least two (2) working days in advance of the scheduled meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Ordinances and resolutions, the laws of Tucson, are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council, take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

### PARTICIPATION BY THE PUBLIC

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk. Please turn off or put in vibrate mode all communication devices (pagers/cell phones).

The Mayor and Council often schedule public hearings on topics of interest. Pursuant to Mayor and Council Rules and Regulations, public hearings last one hour. Interested persons are invited to attend and offer comments. Additionally, Call to the Audience is reserved for comments from the public.

To address the Mayor and Council:

- Complete a speakers card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding into your subject matter. Speakers are limited to five-minute presentations.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700.

**Robert E. Walkup**  
Mayor

**Shirley C. Scott**  
Vice Mayor

#### Council Members

**José J. Ibarra**  
Ward 1

**Carol W. West**  
Ward 2

**Kathleen Dunbar**  
Ward 3

**Shirley C. Scott**  
Ward 4

**Steve Leal**  
Ward 5

**Fred Ronstadt**  
Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TTD: 791-2639, FAX: 791-4017 or WEB SITE: <http://www.ci.tucson.az.us/clerks>), 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday thru Friday, 8 a.m. to 5 p.m. [holidays excepted]. Live coverage of meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Tuesdays 9:00 p.m.  
Wednesdays 9:00 a.m.  
Sundays 9:00 a.m.

(VHS) tapes of meetings are available at the Tucson Main Library.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, OCTOBER 13, 2003 – 7:30 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Pastor Jeremiah Yancy from the church of Praise Chapel Assembly of God

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

(a) Report from City Manager OCT13-03-541 CITY-WIDE

**4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

(a) Report from City Manager OCT13-03-542 CITY-WIDE

**5. CALL TO THE AUDIENCE:**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on tonight's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

6. CONSENT AGENDA ITEMS A THROUGH E

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager OCT13-03-535 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- |     |   |   |
|-----|---|---|
| (1) | LOS SAENZ MEXICAN RESTAURANT<br>345 W. Drachman Street<br>Applicant: Andrew A. Saenz<br>City #066-03, located in Ward 3<br>Series #12<br>Action must be taken by: October 17, 2003    | <u>Staff Recommendation</u><br><br>Police: NO RECOMMENDATION<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (2) | FIRE FLY FOOD & SPIRITS<br>509 N. 4 <sup>th</sup> Avenue<br>Applicant: Douglas E. Smith<br>City #067-03, located in Ward 6<br>Series #12<br>Action must be taken by: October 20, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: <b>DENIED</b>     |

PUBLIC OPINION: PROTESTS FILED  
SUPPORT FILED

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person/Location Transfer

- |     |   |   |
|-----|---|---|
| (3) | MISS SAIGON RESTAURANT<br>1072 N. Campbell Avenue<br>Applicant: Anne H. Nguyen<br>City #068-03, located in Ward 6<br>Series #7<br>Action must be taken by: October 25, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|-----|---|---|

NOTE: For a person and location transfer Mayor and Council can consider both the applicant's capability, qualifications and reliability and location issues.

(c) Special Event(s)

- |     |  |   |
|-----|--|---|
| (1) | SACRED HEART CHURCH<br>601 E. Ft. Lowell Road<br>Applicant: Catherine M. Horton<br>City #T087-03, located in Ward 3<br>Date of Event: October 18, 2003<br>(Fundraiser/Community Gathering)                                       | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance                                |
| (2) | JUNIOR LEAGUE OF TUCSON, INC.<br>900 S. Randolph Way,<br>Hi Corbett Field Concourse<br>Applicant: Jean S. Popham<br>City #T088-03, located in Ward 6<br>Date of Event: October 24, 2003<br>(Annual fundraiser for Junior League) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Parks & Rec.: In Compliance |
| (3) | TUCSON SYMPHONY SOCIETY<br>140 N. Main Avenue<br>Applicant: Colin A. Columna<br>City #T089-03, located in Ward 1<br>Date of Event: October 24, 2003<br>(Fundraising)   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance                                |
| (4) | ST. AMBROSE CATHOLIC SCHOOL<br>300 S. Tucson Blvd.<br>Applicant: Gerald Leyva<br>City #T091-03, located in Ward 6<br>Date of Event: October 18, 2003<br>October 19, 2003<br>(Fundraiser)   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance                                |

- (5) TETRA CORPORATION/  
BEACON FOUNDATION  
25 E. Drachman Street  
Applicant: Stan P. Hilkemeyer  
City #T098-03, located in Ward 3  
Date of Event: October 24, 2003  
October 25, 2003  
October 26, 2003  
(Fundraising)

Staff Recommendation

Police: In Compliance  
DSD: In Compliance

**8. RIO NUEVO: WEST CONGRESS RESIDENTIAL DEVELOPMENT  
ACCEPTANCE OF OFFER TO PURCHASE**

- (a) Report from City Manager OCT13-03-546 W1

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

**9. LEASE AGREEMENT: WITH THE "ARIZONA HEAT" FOR USE OF HI  
CORBETT STADIUM**

- (a) Report from City Manager OCT13-03-545 CITY-WIDE
- (b) Resolution No. 19698 relating to Parks and Recreation; approving and authorizing the execution of a lease agreement for the use of Hi Corbett Field by Greek Guys AZ, LLC dba Arizona Heat to operate a women's National Professional Fastpitch Softball franchise; and declaring an emergency.

**10. LICENSE AGREEMENT: AMENDMENT TO AGREEMENT WITH SFPP, L.P. dba  
KINDER MORGAN**

- (a) Report from City Manager OCT13-03-547 CITY-WIDE

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

**11. PUBLIC HEARING: ZONING (C9-81-45) HIRAM BANKS – SAN MARCOS  
BOULEVARD, MH-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE  
ADOPTION**

- (a) Report from City Manager OCT13-03-539 W1

- (b) Hearing on a request for a change of conditions to allow increased residential density on the project site located on the south side of San Marcos Boulevard, west of Greasewood Boulevard. The preliminary development plan is for 34 residential units on approximately 8.0 acres. Applicant: Michael John Baker, on behalf of the property owner, JHG Development.
- (c) Ordinance No. 9905 relating to zoning: amending ordinance No. 5653 to amend zoning conditions for approval of the zoning district boundaries in the area located on the south side of San Marcos Boulevard, 200 feet west of Greasewood Boulevard in Case C9-81-45, Hiram Banks – San Marcos Boulevard, MH-1 Zoning; and declaring an emergency.

The City Manager recommends approval of the requested change of conditions subject to the conditions provided in the ordinance.

**12. PUBLIC HEARING: TUMAMOC AREA PLAN AMENDMENT, MOUSSA - SUBAREA 17**

- (a) Report from City Manager OCT13-03-540 W1
- (b) Hearing on a request by the property owner to amend the *Tumamoc Area Plan* to allow mid-suburban residential density on one parcel currently developed with a single-family residence. The amendment site is located southwest of Starr Pass Boulevard and Clearwell Road intersection.
- (c) Resolution No. 19696 relating to planning and zoning; amending the *Tumamoc Area Plan*; and setting an effective date.

The City Manager recommends adoption of the attached resolution, which allows for mid-suburban residential density in addition to the current rural residential density and commercial use.

**13. PUBLIC HEARING: TUCSON CODE - AMENDING (CHAPTER 23) THE *LAND USE CODE (LUC)* RELATING TO PARKING REQUIREMENTS FOR LARGE DWELLINGS AND SECOND DWELLINGS IN THE R-1 ZONE**

- (a) Report from City Manager OCT13-03 544 CITY-WIDE
- (b) Hearing on a proposed amendment to the *Land Use Code (LUC)* concerning changes to portions of the *LUC* regulating the R-1 Residential Zone, R-1 Residential Development Performance Criteria, and Motor Vehicle Parking Requirements.

- (c) Ordinance No. 9906 relating to planning and zoning; amending the Tucson Code, Chapter 23, Land Use Code; Article II, zones, Division 3, urban residential zones; Article III, development regulations, Division 3, motor vehicle and bicycle parking requirements, Division 5, performance criteria; Article VI, definitions, Division 2, listing of words and terms; and setting an effective date.

The City Manager recommends that the Mayor and Council adopt the proposed amendment, as recommended by the Planning Commission.

#### **14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager OCT13-03-536 CITY-WIDE

#### **15. MAYOR AND COUNCIL: AMENDMENT TO RULES AND REGULATIONS**

- (a) Report from City Manager OCT13-03-548 CITY-WIDE

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

#### **16. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

#### **17. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 20, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.